

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS
)	
THIS DOCUMENT RELATES TO)	Judge Patti B. Saris
01-CV-12257-PBS)	
)	

**PLAINTIFFS' AND TRACK 1 DEFENDANTS' JOINT SUBMISSION
IN SUPPORT OF ADDITIONAL TRIAL DAYS**

Pursuant to Paragraph (2) of the Court's Second Amended Pretrial Order and Case Management Order #28 (Sept. 9, 2006), the undersigned counsel for Plaintiffs and Track 1 Defendants in the above-captioned action respectfully submit the following proposal for additional time:

- (1) Plaintiffs shall have four additional days of trial for a total of 14 trial days.
- (2) Each defendant shall have one additional day of trial, for a total of four trial days per defendant.

Respectfully submitted,

PLAINTIFFS' LEAD COUNSEL

ON BEHALF OF ALL PLAINTIFFS

By: /s/ Steve W. Berman

Dated: September 21, 2006

Thomas M. Sobol, Esq.
Edward Notargiacomo, Esq.
HAGENS BERMAN, LLP
225 Franklin Street, 26th Floor
Boston, MA 02110

Steve W. Berman, Esq.
Sean R. Matt, Esq.
HAGENS BERMAN, LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101

Donald E. Haviland, Esq.
THE HAVILAND LAW FIRM LLC
740 S. Third Street, Third Floor
Philadelphia, PA 19147

Marc H. Edelson, Esq.
HOFFMAN & EDELSON
45 West Court Street
Doylestown, PA 18901

Kenneth A. Wexler, Esq.
Elizabeth Fegan, Esq.
THE WEXLER FIRM
One North LaSalle, Suite 2000
Chicago, IL 60602

Eugene Spector, Esq.
Jeffrey L. Kodroff, Esq.
John A. Macoretta
SPECTOR, ROSEMAN & KODROFF, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103

THE TRACK 1 DEFENDANTS

By: /s/ Lucy Fowler

Dated: September 21, 2006

Nicholas C. Theodorou (BBO # 496730)
Lucy Fowler, Esq. (BBO# 647929)
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02110

D. Scott Wise
Michael Flynn
Kimberley Harris
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017

Attorneys for AstraZeneca Pharmaceuticals LP

Steven M. Edwards
Lyndon M. Tretter
Hogan & Hartson, LLP
875 Third Avenue, Suite 2600
New York, NY 10022

Attorneys for the Bristol-Myers Squibb Co., Oncology Therapeutics Network Corp.,
Apothecon, Inc.

William F. Cavanaugh, Jr.
Andrew D. Schau
Erik Haas
Patterson, Belknap, Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036 6710

Attorneys for the Johnson and Johnson Defendants

John T. Montgomery
Brien T. O'Connor
Steven A. Kaufman
Darcy W. Shearer
Eric P. Christofferson
Ropes & Gray LLP
One International Place
Boston, MA 02110

Attorneys for Schering-Plough Corp. and
Warrick Pharmaceuticals Corp.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for defendants conferred with counsel for plaintiffs on this motion, and that both parties join in the motion.

/s/ Lucy Fowler
Lucy Fowler

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on September 21, 2006, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Lucy Fowler
Lucy Fowler